

Minutes of the Judiciary and Law Enforcement Committee - May 12, 2006

The meeting was called to order at 8:30 a.m. by Chair B.Morris.

Present: Chair Bonnie Morris, County Board Supervisors Kathleen Cummings, Keith Harenda, Rick Stevens, David Swan, and Jean Tortomasi; **Absent:** Peter Gundrum

Staff Present: County Board Chief of Staff Lee Esler, Legis.Associate Sandra Meisenheimer

Also Present: Sheriff Business Mgr. Tom Koth, Deputy Inspector Steve Marks, Clerk of Courts Carolyn Evenson, Jury Coordinator Cheryl Gallo, Business Mgr. Bob Snow, Chief Deputy Diane Kelsner, Chief Deputy Diane Burd, Computer Coordinator Zack Tremaine, Chief Judge Kathryn Foster, Family Court Commissioner Dave Pike, Family Court Counseling Director Robin Kostroski, Register in Probate Sally Lunde, Sheriff Dan Trawicki, Risk Management Administrator Laura Stauffer, Building Operations Mgr. Mark Keckeisen, Captain Kevin McDonald, Judge Michael Bohren, Financial Analyst Lindsay Johnson

Public Present: Eric Love, President of Waukesha County Bar Assn.; Public Defender Tony Rosario

Correspondence

1. An article from the Los Angeles Times entitled, "Drug treatment saves millions, study says."
2. Copies of Dave Krahn's State Legislation Report of bills relating to the Judiciary Committee were distributed to the committee. This is the final report of this legislative session.
3. Supervisor Swan referred to a letter from Dave Williams of UW-Extension in regard to funding cuts to the Waukesha County UW-Extension budget. A newspaper article in regard to cuts to 4-H funding is attached. This item will be on the Executive Committee agenda of 5/15/06.

B.Morris addressed the following items:

3. Letter from Pat and Dennis Faherty of Hartland, who are members of the Church of the Resurrection in Pewaukee and in support of SOPHIA (Stewards Of Prophetic Hope In Action).
4. Letter from Joyce Gonis Schmitz of Waukesha disagreeing with closing the entrance to the Administration Center to the public when the new security screening is put in place.

Public Comment

Eric Love, President of the Waukesha County Bar Assn. and speaking on behalf of the association, stated he was here to address #5 on the agenda -- the ordinance on courthouse facility screening. They are concerned if everyone is required to go through the metal detectors that their appearances in the courts will be delayed. With the numerous appearances that the attorneys have to make and if they are not given some kind of bypass of the system, the court system could come grinding to a halt. They understand that safety is No. 1 for all the people who work here and the public who come here. Love stated as he mentioned yesterday in the Public Works Committee meeting, in Milwaukee attorneys can purchase I.D. cards for a \$25 fee for entry into the Milwaukee County Courthouse and, therefore, are able to bypass the screening process. They would also like to work with the Waukesha County Board and the Sheriff to create a system where there is an efficiency as well as a safety result.

Cummings asked is there a renewal fee for the I.D. card? Love said no there is not. There obviously is a database though. Before receiving his I.D. card, he had to fill out a lengthy form and meet with someone in the Sheriff's Department.

Meeting Approvals

Motion: Swan moved, second by Cummings, to authorize that committee members be reimbursed for mileage to any locations in the county that have been agendized for discussion at Judiciary & Law Enforcement Committee meetings for this two year term (2006-2008). **Motion carried 6 – 0.**

Future Meeting Dates

The next meeting is scheduled for Friday, June 2, 2006.

Nomination and Election of Committee Vice-Chair and Secretary

Motion: Tortomasi moved, second by Swan, to nominate Keith Harenda as Vice-Chair of the committee. Motion carried 6 – 0. Harenda accepted his nomination.

Motion: Tortomasi moved, second by Harenda, to nominate Kathleen Cummings as Secretary of the committee. Motion carried 6 – 0. Cummings accepted her nomination.

Consider Proposed Ordinance: 161-O-009 Amend Sheriff's Department 2006 Budget Expenditure of Office of National Drug Control Policy Cooperative Agreement Funds

Motion: Swan moved, second by Harenda, to approve Ordinance 161-O-009. Koth stated that the Sheriff's Department has been participating in the HIDTA (High Intensity Drug Trafficking Area) Program since 2003 and have received grants each year since then. This program concentrates on high drug trafficking and finding drug dealers in specific areas in the county. The ordinance authorizes the acceptance of \$55,660 of grant funding. The funds will be used for deputy overtime, vehicle leases and equipment purchases. **Motion carried 6 – 0.**

Discuss and Consider 2005 Waukesha County Annual Jury Report

Evenson, Gallo and Foster were present. Gallo began by explaining how information is gathered when a juror is not selected for jury duty or at the end of a trial. Jurors are automatically brought back to the Jury Assembly Room to fill out questionnaires or are given questionnaires right after the jury trial. This has made a big difference in getting information from the jurors. Previously questionnaires were given out with a return envelope and jurors were asked to mail them back. Because of this change, the return rate has increased from about 25% to 96%.

Swan asked about how jurors are selected. Gallo said it is a totally random program that the Department of Motor Vehicle runs. She said that they tell DMV how many names they want (about 8,000 names per year). Evenson said the 8,000 names do reflect the demographics of the county.

Evenson and Gallo continued with a review of the jury report, page by page, as committee members asked questions. The following areas were covered: 2005 jury accomplishments; jury service statistics (jury selection for year end 6/30/05, juror demographic report, 2005 quarterly and annual jury usage, 2005 summary of jury costs, and five year summary of juror costs); and circuit court trial information.

Esler referred to jury days (177 days of trials in progress) and jury trials (86 jury trials), which signify that on any given week one trial is being held in the courthouse on 3 of 5 days during a week or in other words one trial is in progress only 3 days per week. Esler stated, so, the ever-popular question is: "Why can't we have a couple of trial courtrooms and move the judges around rather than each judge having a courtroom?" Foster said the simple answer is a case management answer which means the most significant and best way to settle a case is to give it a firm trial date. If we didn't have enough jury rooms to accommodate every firm trial date, the cases would linger. There would be delays, a longer time between a crime being committed and disposition of a case, and defendants would be in jail longer increasing the total number of jail days resulting in more costs, etc., etc. Foster stated we need to have the ability to schedule jury trials. She continued on by giving a multitude of other examples.

Lastly, Evenson reviewed the jury service exit questionnaire summary/juror comments. In closing, Evenson said if any committee member is interested in a tour of the court offices, courtrooms, and chambers, to contact her.

Motion: Cummings moved, second by Tortomasi, to accept the 2005 Annual Jury Report as presented. **Motion carried 6 – 0.**

Introduction of Circuit Court Services Departmental Staff and Overview of Department

The courts staff introduced themselves to the committee and continued on with a brief overview of their individual areas: Family Court Commissioner Dave Pike, Family Court Counseling Director Robin Kostroski, Register in Probate Sally Lunde, Judge Foster reviewed Juvenile Court activities since Kelly Haag, Deputy Clerk of Juvenile Court, was not present; Business Mgr. Bob Snow explained the Administration area, Chief Deputy Diane Kelsner (Criminal/Traffic), Chief Deputy Diane Burd (Civil and Family), and Computer Coordinator Zack Tremaine. Snow added that Circuit Court Services has an \$8.6 million budget, which is 5% of the county tax levy.

Consider Proposed Ordinance: 161-O-008 Amend Waukesha County Code of Ordinances to Establish Courthouse and Administration Center Facility Screening

Representatives from the Court Security and Facilities Committee (Laura Stauffer, Michael Bohren, Mark Keckeisen, Michael Neimon, Steve Marks, and Kevin McDonald) appeared to present the ordinance, as well as Lindsay Johnson. Also in attendance was Sheriff Dan Trawicki.

Motion: Swan moved, second by Cummings, to approve Ordinance 161-O-008.

Stauffer stated the county actually started to make concerted efforts in county facilities back in 1993 to identify security exposure and make enhancements to the facilities to improve security. In 1995 the Court Security and Facilities Committee was established with Supreme Court guidelines. Since 1995 the committee in conjunction with Administration have been working on security enhancements. Their approach since 1993 has been an evolutionary process. Several years ago they limited the number of doors that were open to the public to control access. In 2002, a capital project was brought before the Board that was eventually funded by Homeland Security to purchase two x-ray machines, to expand card access and to provide a vision on the eventual screening for the county. In 2005, the County Executive put funds in the non-departmental budget to actually implement the screening, which is where they are now with the ordinance before the committee today.

Harenda asked who will be excluded or who will have access cards to bypass the screening?

Bohren explained the location of the two entrances: (1) where the public would enter and be screened (courthouse), and (2) where employees would enter and bypass the system with I.D. cards (courthouse and administration center). The intention is for all people to be screened except for those with the appropriate I.D. cards.

Cummings asked about non-profit organizations using the Administration Center rooms for meetings after hours. Stauffer pointed out in the fiscal note that the intent is to have 3 nights per week available for public meetings with two civilian bailiffs to do the screening.

Bohren said in discussions with the County Executive's office as part of the underlying policy, the judges will be allowed to enter through a designated door. He also explained where the judges will be parking. Esler said he has heard about the designated door for entry by the judges but no where is it written in the ordinance or the procedures that there will be a third entry point for government

employees. Bohren said that is because they don't want everyone to know where the judges will be entering. Bohren said regarding the attorney issue, they've looked at this issue with the County Executive, and the Executive will remain open to make modifications to the security program and who has access based on what really happens here. Cummings said she will not be supporting the ordinance because the County Board is in charge of policy and the designated door for judges to enter is not part of this policy. She supports the ordinance but there are some pieces missing.

Keckeisen explained that there are a number of other situations when access will be given to people other than county employees, such as the cafeteria workers who arrive at 5:00 a.m. That is why the procedure is written that the Public Works Director will have the authority over access decisions based upon business needs. Marks said relative to the judges having a designated entry door, he felt this was the least they could do for the judges.

Neimon said this might sound like a lot of money but in the multi-entrance environment here, it is not a significant amount of money compared to what is done at the federal level. You want to lock this down so no one can get through. Of course, every security system is breakable but it's what you're willing to pay for. We're trying to get as close as we can with the kind of money we're willing to spend and the kind of system we have. With controlling access we're not locking down the facility. There is a linguistic difference between controlled access and overall perimeter lock down. Esler said he doesn't know how a separate entrance for the judges is in the public interest and enhances security. Foster offered several examples as to how important security is. Bohren said it really is about the situational violence that erupts in a court right before, during or after a hearing. It particularly happens in family cases and certainly it can happen in criminal cases.

B.Morris referred to Attorney Love's comments regarding attorneys having to go outside and all the way around when they leave the courtrooms and go over to the Law Enforcement Center. When we talk about revamping the courthouse and doing some remodeling, can we consider getting from the courthouse to the center without having to go outside and all the way around? B.Morris also thinks it is a good idea to try the system for a year and then if it does impact the attorneys changes can be considered.

Public Comment:

Public Defender Tony Rosario stated when security was implemented in Kenosha and in Milwaukee there were serious problems. Attorneys were allowed to bypass because they had been waiting for long stretches of time to get to court. He said he uses the courts/courthouse/jail a lot – 3 to 4 times a day and sometimes more. He is concerned because it will affect everyone – courts and courts staff.

Neimon said in looking at this, they realize there will be complaints. This is a work in progress and there will be growing pains. The more people they can screen the better, and they can pare back from there. He realizes there is an issue with the attorneys.

Harenda said if there is an entry for Door #35, why not for Door #3 also or why not have everyone go through Door #2 and have a totally secure building? B.Morris said if everyone goes through one entrance, there would be back-ups three blocks long. Stauffer said two entrances for employees is to facilitate the traffic flow.

Esler said he emphasized in the Public Works Committee that this is a trial period in terms of access to see how it works. Keckeisen explained how the queuing up system and card readers will work.

The first few months there will be a civilian bailiff present observing to make sure everyone gets into the proper routine. They may in the future look at some kind of turn style. **Motion carried 5 – 1; Cummings voting no.**

Future Agenda Item

Tortomasi suggested an update on the Communications Center the end of July.

Discuss Committee Duties and Responsibilities as Contained in the Code of Ordinances

Esler reviewed the handouts relating to the operating procedures and rules for the Judiciary and Law Enforcement Committee, as well as those for some of the other committees, commissions and panels.

Motion to adjourn: Swan moved, second by Cummings, to adjourn the meeting at 12:03 p.m.
Motion carried 6 – 0.

Respectfully submitted,

Kathleen M. Cummings
Secretary

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